

AL-15-001-1425

EDWARD J. MARKEY
Member of the Senate

United States Senate

EDWARD J. MARKEY
U.S. Senator from Massachusetts
100 Capitol Mall, Suite 1000
Boston, MA 02108
Phone: (617) 725-2000
Fax: (617) 725-2001
Email: markey@senate.gov
Website: www.markey.senate.gov
U.S. Senate Building, Room 1000
Washington, DC 20540

EDWARD J. MARKEY
U.S. Senator from Massachusetts
100 Capitol Mall, Suite 1000
Boston, MA 02108
Phone: (617) 725-2000
Fax: (617) 725-2001
Email: markey@senate.gov
Website: www.markey.senate.gov

EDWARD J. MARKEY
U.S. Senator from Massachusetts
100 Capitol Mall, Suite 1000
Boston, MA 02108
Phone: (617) 725-2000
Fax: (617) 725-2001
Email: markey@senate.gov
Website: www.markey.senate.gov

EDWARD J. MARKEY
U.S. Senator from Massachusetts
100 Capitol Mall, Suite 1000
Boston, MA 02108
Phone: (617) 725-2000
Fax: (617) 725-2001
Email: markey@senate.gov
Website: www.markey.senate.gov

EDWARD J. MARKEY
U.S. Senator from Massachusetts
100 Capitol Mall, Suite 1000
Boston, MA 02108
Phone: (617) 725-2000
Fax: (617) 725-2001
Email: markey@senate.gov
Website: www.markey.senate.gov

July 13, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

I write today concerning regulatory policies pertaining to used oil products that currently allow for counterproductive disposal practices. The federal Used Oil Recycling Act of 1980 recognized that it is in the national interest to "recycle used oil in a manner that does not constitute a threat to public health and the environment and conserve energy." Furthermore, the Resource Conservation and Recovery Act (RCRA) established a "preference" for the federal purchase of products containing the highest percentage of recovered material practicable, including used oil. These statutes have resulted in a strong track record among many federal agencies in the purchase of lubricating oils that contain recycled oil. However, much more needs to be done to promote this sustainable practice and to discourage practices that either waste this resource or generate public health hazards.

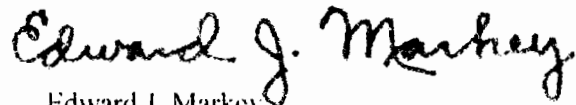
The current Environmental Protection Agency (EPA) policy was developed over two decades ago and allows for the combustion of used oil in small space heaters, which results in the emission of toxic heavy metals such as zinc, cadmium, chromium, and harmful greenhouse gases. The EPA estimates that approximately 150 million gallons of used oil per year is burned in small space heaters, which are typically used in facilities without central heating such as greenhouses, small factories, and garages. The EPA should consider the health and environmental risks caused by the pollution released from unrestricted burning of used oil in space heaters. Adding proper emissions controls to oil-burning space heater units could reduce the harmful exhaust by up to 90 percent and radically reduce the exposure to carcinogenic substances for those working and living in the vicinity of the units.

Continuing to allow the consumption of used oil in this way violates the spirit of the Used Oil Recycling Act. With improvements in used oil reprocessing techniques and increasing

understanding of the negative impacts of air pollutants on public health, the EPA should reevaluate the risks posed by uncontrolled emissions from space heaters.

I urge the EPA to update the decades-old policies on used oil practices to reflect current knowledge of human and environmental health risks from the emissions of heavy metals and greenhouse gases caused by unrestricted burning of used oil in space heaters.

Sincerely,

A handwritten signature in cursive script that reads "Edward J. Markey". The signature is written in dark ink and is positioned above the printed name and title.

Edward J. Markey
United States Senator

United States Senate

WASHINGTON, DC 20510

May 8, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy,

As strong supporters of the Environmental Protection Agency's Clean Power Plan (Plan), we write to express our concern that any decision by EPA to treat bioenergy as having zero emissions under the Plan could undermine the Plan's intended purpose of reducing power sector carbon emissions. EPA needs time to develop a robust method of accounting for bioenergy emissions at the facility level. Accordingly, we recommend a temporary moratorium on the use of biomass combustion as a method of complying with the requirements of the Plan.

Although we understand that the Plan is not yet final, aspects of the proposed plan indicate that EPA may decide to treat all bioenergy generation as having no greenhouse gas emissions. For example, the equation that EPA used to calculate state-level emissions rate goals includes all of the energy, but none of the emissions, associated with renewable generation—including bioenergy, which is not a zero-carbon technology. Furthermore, EPA Assistant Administrator Janet McCabe suggested in a memorandum issued in November 2014 that EPA may allow states to utilize bioenergy from "sustainably harvested" forest materials as compliance under the Plan. While we support efforts to promote sustainable forestry practices, forest sustainability standards do not typically include carbon accounting as a component.

As EPA knows, wood-burning power plants emit around 3,000 pounds of carbon dioxide per megawatt-hour. A growing body of scientific evidence, including a study commissioned by the State of Massachusetts,¹ has found that it takes decades of forest regeneration to offset these emissions. In response to these findings, Massachusetts eliminated renewable energy subsidies for utility-scale wood-burning power plants, finding they compromised the state's ability to achieve its emissions reduction targets. Massachusetts' renewable energy portfolio is now focused on the technologies that produce the most immediate reductions in power sector emissions.

¹ Thomas Walker, Peter Cardellicchio, John S. Gunn, David S. Saah & John M. Hagan (2013): Carbon Accounting for Woody Biomass from Massachusetts (USA) Managed Forests: A Framework for Determining the Temporal Impacts of Wood Biomass Energy on Atmospheric Greenhouse Gas Levels, *Journal of Sustainable Forestry*, 32:1-2, 130-158

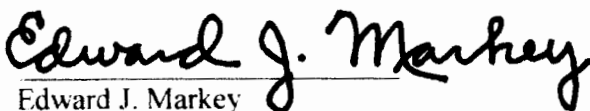
We are concerned that including bioenergy as a compliance measure in the Plan could similarly compromise the Plan's ability to achieve emissions reductions by 2030. The EPA has not determined that any form of biomass combustion is carbon neutral within the compliance timeframe set by the Plan. The Scientific Advisory Board Biogenic Carbon Emissions Panel only just held a meeting at the end of March to review the Framework for Assessing Biogenic CO₂ Emissions from Stationary Sources released in November 2014 and the agency has stated that the review of EPA's biogenic carbon accounting framework will not be completed by the time the Plan is finalized this summer.

The EPA should not approve biomass combustion as a compliance method under the Plan until the agency has a method in place to account for facility-level emissions and a means of ensuring that emissions offsetting actually occurs in an appropriate timeframe. Accordingly, we suggest a moratorium on the use of bioenergy as a compliance measure under the Plan, extending to 2020, when states will have the opportunity to apply for modifications to their implementation plans. This approach has a number of advantages:

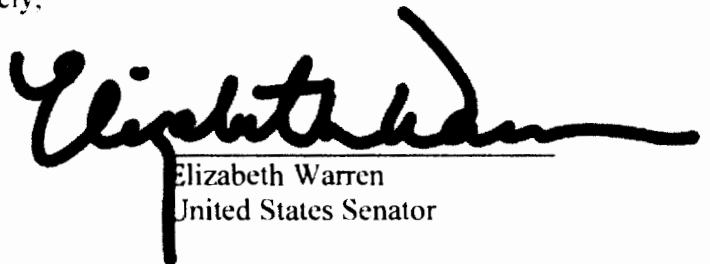
- It gives EPA time to finalize a biogenic carbon accounting framework, develop a tool for assessing net carbon emissions at the facility level, and determine how best to count bioenergy emissions under the Plan.
- It avoids incentivizing a carbon-intensive energy source that works against the Plan's objectives and that emerging evidence suggests is contributing to unsustainable deforestation and.
- It focuses near-term state efforts on wind, solar, and other zero-carbon renewable energy technologies whose contribution to the Plan's objectives are well understood.

We urge EPA to complete the process it began several years ago of developing a robust, policy-relevant method of accounting for the net atmospheric impact of bioenergy generation. It is critical that EPA get the accounting right before states commit to measures that could aggravate rather than alleviate climate concerns. A temporary moratorium on using bioenergy as a compliance measure in state implementation of the Clean Power Plan will give the agency time to do so.

Sincerely,



Edward J. Markey
United States Senator



Elizabeth Warren
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN - 8 2015

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
United States Senate
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter of May 8, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

I appreciate your support for the Clean Power Plan. Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. Thank you for taking the time to comment on the proposal, particularly on the treatment of biogenic feedstocks in state compliance plans. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or at (202) 564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator

CLARENCE J. MARKEY
 UNITED STATES SENATOR
 MASSACHUSETTS

COMMITTEES
 ENVIRONMENT AND PUBLIC WORKS

MASSACHUSETTS

MANAGEMENT AND
 ENVIRONMENTAL PROTECTION

MANAGEMENT

MANAGEMENT

MANAGEMENT

MANAGEMENT

MANAGEMENT

MANAGEMENT

MANAGEMENT

MANAGEMENT

United States Senate

July 13, 2015

CLARENCE J. MARKEY
 UNITED STATES SENATOR
 MASSACHUSETTS

COMMITTEES
 ENVIRONMENT AND PUBLIC WORKS
 MASSACHUSETTS

MANAGEMENT AND
 ENVIRONMENTAL PROTECTION

MANAGEMENT
 MASSACHUSETTS

The Honorable Gina McCarthy
 Administrator
 Environmental Protection Agency
 1200 Pennsylvania Avenue, NW
 Washington, DC 20460

Dear Administrator McCarthy,

I write in support of EPA's demand response initiatives to maintain a reliable electricity grid and its proposed changes to its engine regulations regarding emergency demand response use. I had previously written in support of these proposed changes on August 8, 2012. I understand that on May 1, 2015, the U.S. Court of Appeals reversed the 100-hour exemption for emergency engines participating in emergency demand response. The Court invited EPA to file a motion to delay issuance of the Court's mandate to request that either the current standards remain in place or that EPA be allowed reasonable time to develop interim standards. I urge you to issue interim standards and to conduct a new rulemaking to address the Court's concerns, if necessary.

During electricity shortages, using emergency generators for a short period of time for demand response can help avoid blackouts. When blackouts do occur, all emergency generators run for hours or days until the electric grid is restored. The economic, environmental, and public health risks associated with blackouts are well known. It is environmentally and economically preferable to use a subset of permitted generators for demand response to avoid blackouts and the EPA should continue to work to implement policies that help avoid these dire events.

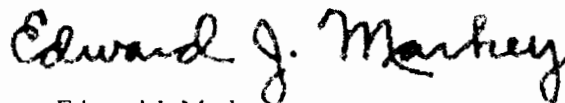
The EPA recognized the benefits of emergency generators as a demand response tool to protect the grid and public health and proposed sensible rules in 2010 and 2013 to appropriately use these resources during critical times. EPA should continue to pursue implementing this important demand response strategy.

1

Demand response is critical to keep our electricity grid stable, protect consumers and reduce pollution. Demand response requiring emergency engines has very rarely been dispatched and is the last line of defense before blackouts. I urge EPA to continue to support its policy objective to allow for the responsible use of emergency engines for emergency demand response.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style.

Edward J. Markey
United States Senator

15-001-1427



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 10 2015

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
United States Senate
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter of July 13, 2015, to the U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the changes to the EPA's regulations for the use of stationary engines for emergency demand response. The Administrator asked that I respond on her behalf.

As you noted in your letter, on May 1, 2015, the U.S. Court of Appeals for the D.C. Circuit vacated the portions of the regulations specifying that engines categorized as emergency engines may operate for up to 100 hours per year for emergency demand response. In the letter, you urged the EPA to issue interim regulations and to conduct a new rulemaking to address the Court's concerns, if necessary.

On July 15, 2015, the EPA filed an opposed motion for a stay of the court's mandate until May 1, 2016. In the motion, we indicated that a stay of issuance of the mandate until May 1, 2016, is appropriate to ensure electric grid reliability, to allow engines a reasonable time to install controls, and to allow the EPA time to evaluate the need for, and promulgate if appropriate, a limited follow-up rulemaking addressing operation of emergency engines to address voltage or frequency deviations. On August 14, 2015 the Court granted the EPA's motion. Therefore, the EPA will proceed to evaluate the need for a limited follow up rulemaking. It is important to note that even after issuance of the court's mandate, the EPA's regulations for stationary engines do not prohibit stationary engines from operating in emergency demand response programs, provided that the engines meet the applicable emission standards for non-emergency engines.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or at 202-564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:

COMMERCE, SCIENCE, AND TRANSPORTATION
SMALL BUSINESS AND ENTREPRENEURSHIP
FOREIGN RELATIONS

CHAIRMAN:

SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND
FOREIGN ASSISTANCE, ECONOMIC AFFAIRS,
INTERNATIONAL ENVIRONMENTAL PROTECTION, AND
PEACE CORPS

U.S. SENATE CLIMATE CHANGE CLEARING HOUSE

United States Senate
WASHINGTON, DC 20510-2107

July 17, 2015

SUITE 3D-255
RUSSELL BUILDING
WASHINGTON, DC 20510 - 2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312
FALL RIVER, MA 02721
508-677-0523

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01101
413-785-4610

Administrator McCarthy
1200 Pennsylvania Ave NW
Washington, DC 20460-0001

Dear Administrator:

Thank you for contacting me about the Clean Water Act and our environment. It was good to hear from you.

I have long worked to protect the environment, fight climate change, keep the air and water clean in Massachusetts and across our nation, and make the development of clean energy a national priority.

Before I was elected to the United States Senate, I was the Ranking Member of the House Natural Resources Committee and a senior member of the Energy and Commerce Committee, giving me close involvement in the debate over our country's energy policy and oversight of the safety of energy production in the United States. Our energy policy should protect the health and safety of Americans by strengthening environmental protections for our air and water, addressing the threat of global warming by reducing carbon pollution, enhancing our energy security by cutting our dependence on foreign oil, and creating jobs in the United States by encouraging the development of clean energy sources.

This May, the Obama administration issued its new "Waters of the United States" rule that will protect the drinking water of 117 million Americans. The Environmental Protection Agency (EPA) and the Army Corps of Engineers held more than 400 meetings across the country and received more than one million public comments before issuing the historic rule. For more than 40 years, the Clean Water Act has played an integral role in the protection and clean-up of America's most iconic and important waterways. In Massachusetts, it helped clean up the Charles River and Boston Harbor. We understand that our economy and public health rely on clean water. Tourism, recreation, agriculture and other economic engines of growth in Massachusetts need clean water to flourish. I share your concern over the protection of our water and environment. Pollution threatens the environment and public health. We need to protect local communities and economies from the impacts of destructive mining practices and other pollution. I will continue to monitor this proposal and keep fighting to protect our environment.

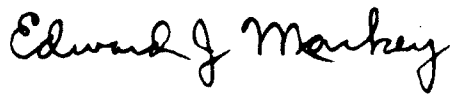
I have also supported numerous policies to promote the clean energy technologies that can create jobs while protecting our environment. In the 111th Congress, I co-authored *The American Clean Energy and Security Act* (H.R. 2454), popularly referred to as "the Waxman-Markey Bill," the first and only comprehensive climate and energy bill ever to pass a chamber of Congress. The bill would have reduced U.S. carbon pollution by 17 percent from 2005 levels and required 20 percent of our electricity to come from renewable sources by 2020. I also advocated for the extension of a key tax credit for wind and other renewable energy technologies, which was extended this past year and supports 80,000 American wind jobs.

It has been five years since the BP Deepwater Horizon oil rig exploded and sank in the Gulf of Mexico, leading to the worst environmental disaster in American history. While serving in the House, I lead an extensive investigation into the cause of the spill. The BP Spill Commission concluded that the causes of the BP spill were "systemic" to the entire oil industry. The Government Joint Investigation Team (JIT) also issued a report that reached similar conclusions. I introduced legislation in the House that would have implemented the recommendations of the BP spill commission to improve the safety of offshore drilling to protect the environment, workers and economy of the Gulf Coast. Unfortunately, the House did not take action on my legislation. I will continue fighting in the Senate to ensure that we protect the beaches, fishing and tourism industries in Massachusetts from offshore drilling.

We need legislation that continues to encourage energy innovation, not technological stagnation. We need new standards to ensure that the American oil industry is the safest in the world. In the Senate, I will continue to fight to ensure we enact the reforms to prevent a similar environmental disaster from ever happening again.

Thank you again for contacting me about this issue. If I can be of further assistance, please do not hesitate to contact me. To sign up for my newsletter, visit <http://www.markey.senate.gov/newsletter>. You can also follow me on [Facebook](#), [Twitter](#), and [YouTube](#).

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style.

Edward J. Markey
United States Senator